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<p>(54) Title: ADIPOSE-DERIVED STEM CELLS AND LATTICES</p> <p>(57) Abstract</p> <p>The present invention provides adipose-derived stem cells and lattices. In one aspect, the present invention provides a lipo-derived stem cell substantially free of adipocytes and red blood cells and clonal populations of connective tissue stem cells. The cells can be employed, alone or within biologically-compatible compositions, to generate differentiated tissues and structures, both <i>in vivo</i> and <i>in vitro</i>. Additionally, the cells can be expanded and cultured to produce hormones and to provide conditioned culture media for supporting the growth and expansion of other cell populations. In another aspect, the present invention provides a lipo-derived lattice substantially devoid of cells, which includes extracellular matrix material from adipose tissue. The lattice can be used as a substrate to facilitate the growth and differentiation of cells, whether <i>in vivo</i> or <i>in vitro</i>, into anlagen or even mature tissues or structures.</p>			

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## ADIPOSE-DERIVED STEM CELLS AND LATTICES

### BACKGROUND OF THE INVENTION

In recent years, the identification of mesenchymal stem cells, chiefly obtained from bone marrow, has led to advances in tissue regrowth and differentiation. Such cells are pluripotent cells found in bone marrow and periosteum, and they are capable of differentiating into various mesenchymal or connective tissues. For example, such bone-marrow derived stem cells can be induced to develop into myocytes upon exposure to agents such as 5-azacytidine (Wakitani et al., *Muscle Nerve*, 18(12), 1417-26 (1995)). It has been suggested that such cells are useful for repair of tissues such as cartilage, fat, and bone (see, e.g., U.S. Patents 5,908,784, 5,906,934, 5,827,740, 5,827,735), and that they also have applications through genetic modification (see, e.g., 5,591,625). While the identification of such cells has led to advances in tissue regrowth and differentiation, the use of such cells is hampered by several technical hurdles. One drawback to the use of such cells is that they are very rare (representing as few as 1/2,000,000 cells), making any process for obtaining and isolating them difficult and costly. Of course, bone marrow harvest is universally painful to the donor. Moreover, such cells are difficult to culture without inducing differentiation, unless specifically screened sera lots are used, adding further cost and labor to the use of such stem cells. Thus, there is a need for a more readily available source for pluripotent stem cells, particularly cells that can be cultured without the requirement for costly prescreening of culture materials.

Other advances in tissue engineering have shown that cells can be grown in specially-defined cultures to produce three-dimensional structures. Spacial definition typically is achieved by using various acellular lattices or matrices to support and guide cell growth and differentiation. While this technique is still in its infancy, experiments in animal models have demonstrated that it is possible to employ various acellular lattice materials to regenerate whole tissues (see, e.g., Probst et al. *BJU Int.*, 85(3), 362-7 (2000)). A suitable lattice material is secreted extracellular matrix material isolated from tumor cell lines (e.g., Engelbreth-Holm-Swarm tumor secreted matrix – “matrigel”). This material contains type IV collagen and growth factors, and provides an excellent substrate for cell growth (see, e.g., Vukicevic et al., *Exp. Cell Res.*, 202(1), 1-8 (1992)). However, as this material also facilitates the malignant transformation of some cells (see, e.g., Fridman, et al., *Int. J. Cancer*, 51(5), 740-44 (1992)), it is not suitable for clinical application. While other artificial lattices have been developed, these can prove toxic either to cells or to patients when used *in vivo*.

Accordingly, there remains a need for a lattice material suitable for use as a substrate in culturing and growing populations of cells.

### BRIEF SUMMARY OF THE INVENTION

5       The present invention provides adipose-derived stem cells and lattices. In one aspect, the present invention provides a lipo-derived stem cell substantially free of adipocytes and red blood cells and clonal populations of connective tissue stem cells. The cells can be employed, alone or within biologically-compatible compositions, to generate differentiated tissues and structures, both *in vivo* and *in*  
10      *vitro*. Additionally, the cells can be expanded and cultured to produce hormones and to provide conditioned culture media for supporting the growth and expansion of other cell populations. In another aspect, the present invention provides a lipo-derived lattice substantially devoid of cells, which includes extracellular matrix material from adipose tissue. The lattice can be used as a substrate to facilitate the  
15      growth and differentiation of cells, whether *in vivo* or *in vitro*, into anlagen or even mature tissues or structures.

Considering how plentiful adipose tissue is, the inventive cells and lattice represent a ready source of pluripotent stem cells. Moreover, because the cells can be passaged in culture in an undifferentiated state under culture conditions not requiring prescreened lots of serum, the inventive cells can be maintained with considerably less expense than other types of stem cells. These and other advantages of the present invention, as well as additional inventive features, will be apparent from the accompanying drawings and in the following detailed description.  
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### DETAILED DESCRIPTION OF THE INVENTION

One aspect of the invention pertains to a lipo-derived stem cell. Preferably, the stem cell is substantially free of other cell types (e.g., adipocytes, red blood cells, other stromal cells, etc.) and extracellular matrix material; more preferably, the stem cell is completely free of such other cell types and matrix material. Preferably, the  
30      inventive cell is derived from the adipose tissue of a primate, and more preferably a higher primate (e.g., a baboon or ape). Typically, the inventive cell will be derived from human adipose tissue, using methods such as described herein.

While the inventive cell can be any type of stem cell, for use in tissue engineering, desirably the cell is of mesodermal origin. Typically such cells, when  
35      isolated, retain two or more mesodermal or mesenchymal developmental phenotypes (i.e., they are pluripotent). In particular, such cells generally have the capacity to develop into mesodermal tissues, such as mature adipose tissue, bone, various tissues

of the heart (e.g., pericardium, epicardium, epimyocardium, myocardium, pericardium, valve tissue, etc.), dermal connective tissue, hemangial tissues (e.g., corpuscles, endocardium, vascular epithelium, etc.), muscle tissues (including skeletal muscles, cardiac muscles, smooth muscles, etc.), urogenital tissues (e.g., kidney, pronephros, meta- and meso-nephric ducts, metanephric diverticulum, ureters, renal pelvis, collecting tubules, epithelium of the female reproductive structures (particularly the oviducts, uterus, and vagina)), pleural and peritoneal tissues, viscera, mesodermal glandular tissues (e.g., adrenal cortex tissues), and stromal tissues (e.g., bone marrow). Of course, inasmuch as the cell can retain potential to develop into mature cells, it also can realize its developmental phenotypic potential by differentiating into an appropriate precursor cell (e.g., a preadipocyte, a premyocyte, a preosteocyte, etc.). Also, depending on the culture conditions, the cells can also exhibit developmental phenotypes such as embryonic, fetal, hematopoietic, neurogenic, or neuralgiogenic developmental phenotypes. In this sense, the inventive cell can have two or more developmental phenotypes such as adipogenic, chondrogenic, cardiogenic, dermatogenic, hematopoietic, hemangiogenic, myogenic, nephrogenic, neurogenic, neuralgiogenic, urogenitogenic, osteogenic, pericardiogenic, peritoneogenic, pleurogenic, splanchnogenic, and stromal developmental phenotypes. While such cells can retain two or more of these developmental phenotypes, preferably, such cells have three or more such developmental phenotypes (e.g., four or more mesodermal or mesenchymal developmental phenotypes), and some types of inventive stem cells have a potential to acquire any mesodermal phenotype through the process of differentiation.

The inventive stem cell can be obtained from adipose tissue by any suitable method. A first step in any such method requires the isolation of adipose tissue from the source animal. The animal can be alive or dead, so long as adipose stromal cells within the animal are viable. Typically, human adipose stromal cells are obtained from living donors, using well-recognized protocols such as surgical or suction lipectomy. Indeed, as liposuction procedures are so common, liposuction effluent is a particularly preferred source from which the inventive cells can be derived.

However derived, the adipose tissue is processed to separate stem cells from the remainder of the material. In one protocol, the adipose tissue is washed with physiologically-compatible saline solution (e.g., phosphate buffered saline (PBS)) and then vigorously agitated and left to settle, a step that removes loose matter (e.g., damaged tissue, blood, erythrocytes, etc.) from the adipose tissue. Thus, the washing and settling steps generally are repeated until the supernatant is relatively clear of debris.

The remaining cells generally will be present in lumps of various size, and the protocol proceeds using steps gauged to degrade the gross structure while minimizing damage to the cells themselves. One method of achieving this end is to treat the washed lumps of cells with an enzyme that weakens or destroys bonds between cells (e.g., collagenase, dispase, trypsin, etc.). The amount and duration of such enzymatic treatment will vary, depending on the conditions employed, but the use of such enzymes is generally known in the art. Alternatively or in conjunction with such enzymatic treatment, the lumps of cells can be degraded using other treatments, such as mechanical agitation, sonic energy, thermal energy, etc. If degradation is accomplished by enzymatic methods, it is desirable to neutralize the enzyme following a suitable period, to minimize deleterious effects on the cells.

The degradation step typically produces a slurry or suspension of aggregated cells (generally liposomes) and a fluid fraction containing generally free stromal cells (e.g., red blood cells, smooth muscle cells, endothelial cells, fibroblast cells, and stem cells). The next stage in the separation process is to separate the aggregated cells from the stromal cells. This can be accomplished by centrifugation, which forces the stromal cells into a pellet covered by a supernatant. The supernatant then can be discarded and the pellet suspended in a physiologically-compatible fluid. Moreover, the suspended cells typically include erythrocytes, and in most protocols it is desirable to lyse these. Methods for selectively lysing erythrocytes are known in the art, and any suitable protocol can be employed (e.g., incubation in a hyper- or hypotonic medium). Of course, if the erythrocytes are lysed, the remaining cells should then be separated from the lysate, for example by filtration or centrifugation. Of course, regardless of whether the erythrocytes are lysed, the suspended cells can be washed, re-centrifuged, and resuspended one or more successive times to achieve greater purity. Alternatively, the cells can be separated using a cell sorter or on the basis of cell size and granularity, stem cells being relatively small and agranular. Expression of telomerase can also serve as a stem cell-specific marker. They can also be separated immunohistochemically, for example, by panning or using magnetic beads. Any of the steps and procedures for isolating the inventive cells can be performed manually, if desired. Alternatively, the process of isolating such cells can be facilitated through a suitable device, many of which are known in the art (see, e.g., U.S. Patent 5,786,207).

Following the final isolation and resuspension, the cells can be cultured and, if desired, assayed for number and viability to assess the yield. Desirably the cells can be cultured without differentiation using standard cell culture media (e.g., DMEM, typically supplemented with 5-15% (e.g., 10%) serum (e.g., fetal bovine

serum, horse serum, etc.). Preferably, the cells can be passaged at least five times in such medium without differentiating, while still retaining their developmental phenotype, and more preferably, the cells can be passaged at least 10 times (e.g., at least 15 times or even at least 20 times) without losing developmental phenotype.

5 Thus, culturing the cells of the present invention without inducing differentiation can be accomplished without specially screened lots of serum, as is generally the case for mesenchymal stem cells (e.g., derived from marrow). Methods for measuring viability and yield are known in the art (e.g., trypan blue exclusion).

10 Following isolation, the stem cells are further separated by phenotypic identification, to identify those cells that have two or more of the aforementioned developmental phenotypes. Typically, the stromal cells are plated at a desired density such as between about 100 cells/cm<sup>2</sup> to about 100,000 cells/cm<sup>2</sup> (such as about 500 cells/cm<sup>2</sup> to about 50,000 cells/cm<sup>2</sup>, or, more particularly, between about 1,000 cells/cm<sup>2</sup> to about 20,000 cells/cm<sup>2</sup>). If plated at lower densities (e.g., about 15 300 cells/cm<sup>2</sup>), the cells can be more easily clonally isolated. For example, after a few days, cells plated at such densities will proliferate into a population.

15 Such cells and populations can be clonally expanded, if desired, using a suitable method for cloning cell populations. For example, a proliferated population of cells can be physically picked and seeded into a separate plate (or the well of a multi-well plate). Alternatively, the cells can be subcloned onto a multi-well plate at a statistical ratio for facilitating placing a single cell into each well (e.g., from about 0.1 to about 1 cell/well or even about 0.25 to about 0.5 cells/well, such as 0.5 cells/well). Of course, the cells can be cloned by plating them at low density (e.g., in a petri-dish or other suitable substrate) and isolating them from other cells using devices such as a cloning rings. Alternatively, where an irradiation source is available, clones can be obtained by permitting the cells to grow into a monolayer and then shielding one and irradiating the rest of cells within the monolayer. The surviving cell then will grow into a clonal population. While production of a clonal population can be expanded in any suitable culture medium, a preferred culture condition for cloning stem cells (such as the inventive stem cells or other stem cells) is about  $\frac{2}{3}$  F<sub>12</sub> medium + 20 % serum (preferably fetal bovine serum) and about  $\frac{1}{3}$  standard medium that has been conditioned with stromal cells (e.g., cells from the stromal vascular fraction of liposuction aspirate), the relative proportions being determined volumetrically.

20 25 30 35 In any event, whether clonal or not, the isolated cells can be cultured to a suitable point when their developmental phenotype can be assessed. As mentioned, the inventive cells have at least two of the aforementioned developmental

phenotypes. Thus, one or more cells drawn from a given clone can be treated to ascertain whether it possesses such developmental potentials. One type of treatment is to culture the inventive cells in culture media that has been conditioned by exposure to mature cells (pr precursors thereof) of the respective type to be differentiated (e.g., media conditioned by exposure to myocytes can induce myogenic differentiation, media conditioned by exposure to heart valve cells can induce differentiation into heart valve tissue, etc.). Of course, defined media for inducing differentiation also can be employed. For example, adipogenic developmental phenotype can be assessed by exposing the cell to a medium that facilitates 5 adipogenesis, e.g., containing a glucocorticoid (e.g., isobutyl-methylxanthine, dexamethasone, hydrocortisone, cortisone, etc.), insulin, a compound which elevates intracellular levels of cAMP (e.g., dibutyryl-cAMP, 8-CPT-cAMP (8-  
10 (4)chlorophenylthio)-adenosine 3', 5' cyclic monophosphate; 8-bromo-cAMP; dioctanoyl-cAMP, forskolin etc.), and/or a compound which inhibits degradation of  
15 cAMP (e.g., a phosphodiesterase inhibitor such as methyl isobutylxanthine, theophylline, caffeine, indomethacin, and the like). Thus, exposure of the stem cells to between about 1  $\mu$ M and about 10  $\mu$ M insulin in combination with about 10<sup>-9</sup> M to about 10<sup>-6</sup> M to (e.g., about 1  $\mu$ M) dexamethasone can induce adipogenic differentiation. Such a medium also can include other agents, such as indomethacin  
20 (e.g., about 100  $\mu$ M to about 200  $\mu$ M), if desired, and preferably the medium is serum free. Osteogenic developmental phenotype can be assessed by exposing the cells to between about 10<sup>-7</sup> M and about 10<sup>-9</sup> M dexamethasone (e.g., about 1  $\mu$ M) in combination with about 10  $\mu$ M to about 50  $\mu$ M ascorbate-2-phosphate and between about 10 nM and about 50 nM  $\beta$ -glycerophosphate, and the medium also can include  
25 serum (e.g., bovine serum, horse serum, etc.). Myogenic differentiation can be induced by exposing the cells to between about 10  $\mu$ M and about 100  $\mu$ M hydrocortisone, preferably in a serum-rich medium (e.g., containing between about 10% and about 20% serum (either bovine, horse, or a mixture thereof)). Chondrogenic differentiation can be induced by exposing the cells to between about  
30 1  $\mu$ M to about 10  $\mu$ M insulin and between about 1  $\mu$ M to about 10  $\mu$ M transferrin, between about 1 ng/ml and 10 ng/ml transforming growth factor (TGF)  $\beta$ 1, and between about 10 nM and about 50 nM ascorbate-2-phosphate (50 nM). For chondrogenic differentiation, preferably the cells are cultured in high density (e.g., at about several million cells/ml or using micromass culture techniques), and also in the presence of low amounts of serum (e.g., from about 1% to about 5%). The cells also can be induced to assume a developmentally more immature phenotype (e.g., a fetal or embryonic phenotype). Such induction is achieved upon exposure of the inventive  
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cell to conditions that mimic those within fetuses and embryos. For example, the inventive cells or populations can be co-cultured with cells isolated from fetuses or embryos, or in the presence of fetal serum. Along these lines, the cells can be induced to differentiate into any of the aforementioned mesodermal lineages by co-culturing them with mature cells of the respective type, or precursors thereof. Thus, for example, myogenic differentiation can be induced by culturing the inventive cells with myocytes or precursors, and similar results can be achieved with respect to the other tissue types mentioned herein. Other methods of inducing differentiation are known in the art, and many of them can be employed, as appropriate.

After culturing the cells in the differentiating-inducing medium for a suitable time (e.g., several days to a week or more), the cells can be assayed to determine whether, in fact, they have differentiated to acquire physical qualities of a given type of cell. One measurement of differentiation *per se* is telomere length, undifferentiated stem cells having longer telomeres than differentiated cells; thus the cells can be assayed for the level of telomerase activity. Alternatively, RNA or proteins can be extracted from the cells and assayed (via Northern hybridization, rtPCR, Western blot analysis, etc.) for the presence of markers indicative of the desired phenotype. Of course, the cells can be assayed immunohistochemically or stained, using tissue-specific stains. Thus, for example, to assess adipogenic differentiation, the cells can be stained with fat-specific stains (e.g., oil red O, safarin red, sudan black, etc.) or probed to assess the presence of adipose-related factors (e.g., type IV collagen, PPAR- $\gamma$ , adipsin, lipoprotein lipase, etc.). Similarly, osteogenesis can be assessed by staining the cells with bone-specific stains (e.g., alkaline phosphatase, von Kossa, etc.) or probed for the presence of bone-specific markers (e.g., osteocalcin, osteonectin, osteopontin, type I collagen, bone morphogenic proteins, cbfa, etc.). Myogenesis can be assessed by identifying classical morphologic changes (e.g., polynucleated cells, syncitia formation, etc.), or assessed biochemically for the presence of muscle-specific factors (e.g., myo D, myosin heavy chain, NCAM, etc.). Chondrogenesis can be determined by staining the cells using cartilage-specific stains (e.g., alcian blue) or probing the cells for the expression/production of cartilage-specific molecules (e.g., sulfated glycosaminoglycans and proteoglycans (e.g., keratin, chondroitin, etc.) in the medium, type II collagen, etc.). Other methods of assessing developmental phenotype are known in the art, and any of them is appropriate. For example, the cells can be sorted by size and granularity. Also, the cells can be used to generate monoclonal antibodies, which can then be employed to assess whether they

preferentially bind to a given cell type. Correlation of antigenicity can confirm that the stem cell has differentiated along a given developmental pathway.

While the cell can be solitary and isolated from other cells, preferably it is within a population of cells, and the invention provides a defined population including the inventive cell. In some embodiments, the population is heterogeneous. Thus, for example, the population can include support cells for supplying factors to the inventive cells. Of course, the inventive stem cells can themselves serve as support cells for culturing other types of cells (such as other types of stem cells, e.g., as neural stem cells (NSC), hematopoietic stem cells (HPC, particularly CD34<sup>+</sup> stem cells), embryonic stem cells (ESC) and mixtures thereof), and the population can include such cells. In other embodiments, the population is substantially homogeneous, consisting essentially of the inventive lipo-derived stem cells.

As the inventive cells can be cloned, a substantially homogeneous population containing them can be clonal. Indeed, the invention also pertains to any defined clonal cell population consisting essentially of mesodermal stem cells, connective tissue stem cell, or mixtures thereof. In this embodiment, the cells can be lipo-derived or derived from other mesodermal or connective cell tissues (e.g., bone marrow, muscle, etc.) using methods known in the art. After the isolation, the cells can be expanded clonally as described herein.

The inventive cells (and cell populations) can be employed for a variety of purposes. As mentioned, the cells can support the growth and expansion of other cell types, and the invention pertains to methods for accomplishing this. In one aspect, the invention pertains to a method of conditioning culture medium using the inventive stem cells and to conditioned medium produced by such a method. The medium becomes conditioned upon exposing a desired culture medium to the cells under conditions sufficient for the cells to condition it. Typically, the medium is used to support the growth of the inventive cells, which secrete hormones, cell matrix material, and other factors into the medium. After a suitable period (e.g., one or a few days), the culture medium containing the secreted factors can be separated from the cells and stored for future use. Of course, the inventive cells and populations can be re-used successively to condition medium, as desired. In other applications (e.g., for co-culturing the inventive cells with other cell types), the cells can remain within the conditioned medium. Thus, the invention provides a conditioned medium obtained using this method, which either can contain the inventive cells or be substantially free of the inventive cells, as desired.

The conditioned medium can be used to support the growth and expansion of desired cell types, and the invention provides a method of culturing cells (particularly

- stem cells) using the conditioned medium. The method involves maintaining a desired cell in the conditioned medium under conditions for the cell to remain viable. The cell can be maintained under any suitable condition for culturing them, such as are known in the art. Desirably, the method permits successive rounds of mitotic division of the cell to form an expanded population. The exact conditions (e.g., temperature, CO<sub>2</sub> levels, agitation, presence of antibiotics, etc.) will depend on the other constituents of the medium and on the cell type. However, optimizing these parameters are within the ordinary skill in the art. In some embodiments, it is desirable for the medium to be substantially free of the lipo-derived cells employed to condition the medium as described herein. However, in other embodiments, it is desirable for the lipo-derived cells to remain in the conditioned medium and co-cultured with the cells of interest. Indeed, as the inventive lipo-derived cells can express cell-surface mediators of intercellular communication, it often is desirable for the inventive cells and the desired other cells to be co-cultured under conditions in which the two cell types are in contact. This can be achieved, for example, by seeding the cells as a heterogeneous population of cells onto a suitable culture substrate. Alternatively, the inventive lipo-derived cells can first be grown to confluence, which will serve as a substrate for the second desired cells to be cultured within the conditioned medium.
- In another embodiment, the inventive lipo-derived cells can be genetically modified, e.g., to express exogenous genes or to repress the expression of endogenous genes, and the invention provides a method of genetically modifying such cells and populations. In accordance with this method, the cell is exposed to a gene transfer vector comprising a nucleic acid including a transgene, such that the nucleic acid is introduced into the cell under conditions appropriate for the transgene to be expressed within the cell. The transgene generally is an expression cassette, including a coding polynucleotide operably linked to a suitable promoter. The coding polynucleotide can encode a protein, or it can encode biologically active RNA (e.g., antisense RNA or a ribozyme). Thus, for example, the coding polynucleotide can encode a gene conferring resistance to a toxin, a hormone (such as peptide growth hormones, hormone releasing factors, sex hormones, adrenocorticotropic hormones, cytokines (e.g., interferins, interleukins, lymphokines), etc.), a cell-surface-bound intracellular signaling moiety (e.g., cell adhesion molecules, hormone receptors, etc.), a factor promoting a given lineage of differentiation, etc. Of course, where it is desired to employ gene transfer technology to deliver a given transgene, its sequence will be known.

Within the expression cassette, the coding polynucleotide is operably linked to a suitable promoter. Examples of suitable promoters include prokaryotic promoters and viral promoters (e.g., retroviral ITRs, LTRs, immediate early viral promoters (IEp), such as herpesvirus IEp (e.g., ICP4-IEp and ICP0-IEp),  
5 cytomegalovirus (CMV) IEp, and other viral promoters, such as Rous Sarcoma Virus (RSV) promoters, and Murine Leukemia Virus (MLV) promoters). Other suitable promoters are eukaryotic promoters, such as enhancers (e.g., the rabbit  $\beta$ -globin regulatory elements), constitutively active promoters (e.g., the  $\beta$ -actin promoter, etc.), signal specific promoters (e.g., inducible promoters such as a promoter responsive to  
10 RU486, etc.), and tissue-specific promoters. It is well within the skill of the art to select a promoter suitable for driving gene expression in a predefined cellular context. The expression cassette can include more than one coding polynucleotide, and it can include other elements (e.g., polyadenylation sequences, sequences encoding a membrane-insertion signal or a secretion leader, ribosome entry  
15 sequences, transcriptional regulatory elements (e.g., enhancers, silencers, etc.), and the like), as desired.

The expression cassette containing the transgene should be incorporated into a genetic vector suitable for delivering the transgene to the cells. Depending on the desired end application, any such vector can be so employed to genetically modify  
20 the cells (e.g., plasmids, naked DNA, viruses such as adenovirus, adeno-associated virus, herpesviruses, lentiviruses, papillomaviruses, retroviruses, etc.). Any method of constructing the desired expression cassette within such vectors can be employed, many of which are well known in the art (e.g., direct cloning, homologous recombination, etc.). Of course, the choice of vector will largely determine the  
25 method used to introduce the vector into the cells (e.g., by protoplast fusion, calcium-phosphate precipitation, gene gun, electroporation, infection with viral vectors, etc.), which are generally known in the art.

The genetically altered cells can be employed as bioreactors for producing the product of the transgene. In other embodiments, the genetically modified cells are  
30 employed to deliver the transgene and its product to an animal. For example, the cells, once genetically modified, can be introduced into the animal under conditions sufficient for the transgene to be expressed *in vivo*.

In addition to serving as useful targets for genetic modification, many cells and populations of the present invention secrete hormones (e.g., cytokines, peptide or  
35 other (e.g., monobutyryin) growth factors, etc.). Some of the cells naturally secrete such hormones upon initial isolation, and other cells can be genetically modified to secrete hormones, as discussed herein. The cells of the present invention that secrete

hormones can be used in a variety of contexts *in vivo* and *in vitro*. For example, such cells can be employed as bioreactors to provide a ready source of a given hormone, and the invention pertains to a method of obtaining hormones from such cells. In accordance with the method, the cells are cultured, under suitable conditions for them to secrete the hormone into the culture medium. After a suitable period of time, and preferably periodically, the medium is harvested and processed to isolate the hormone from the medium. Any standard method (e.g., gel or affinity chromatography, dialysis, lyophilization, etc.) can be used to purify the hormone from the medium, many of which are known in the art.

In other embodiments, cells (and populations) of the present invention secreting hormones can be employed as therapeutic agents. Generally, such methods involve transferring the cells to desired tissue, either *in vitro* (e.g., as a graft prior to implantation or engrafting) or *in vivo*, to animal tissue directly. The cells can be transferred to the desired tissue by any method appropriate, which generally will vary according to the tissue type. For example, cells can be transferred to a graft by bathing the graft (or infusing it) with culture medium containing the cells. Alternatively, the cells can be seeded onto the desired site within the tissue to establish a population. Cells can be transferred to sites *in vivo* using devices such as catheters, trocars, cannulae, stents (which can be seeded with the cells), etc. For these applications, preferably the cell secretes a cytokine or growth hormone such as human growth factor, fibroblast growth factor, nerve growth factor, insulin-like growth factors, hemopoietic stem cell growth factors, members of the fibroblast growth factor family, members of the platelet-derived growth factor family, vascular and endothelial cell growth factors, members of the TGF $\beta$  family (including bone morphogenic factor), or enzymes specific for congenital disorders (e.g., dystrophin).

In one application, the invention provides a method of promoting the closure of a wound within a patient using such cells. In accordance with the method, the inventive cells secreting the hormone are transferred to the vicinity of a wound under conditions sufficient for the cell to produce the hormone. The presence of the hormone in the vicinity of the wound promotes closure of the wound. The method promotes closure of both external (e.g., surface) and internal wounds. Wounds to which the present inventive method is useful in promoting closure include, but are not limited to, abrasions, avulsions, blowing wounds, burn wounds, contusions, gunshot wounds, incised wounds, open wounds, penetrating wounds, perforating wounds, puncture wounds, seton wounds, stab wounds, surgical wounds, subcutaneous wounds, or tangential wounds. The method need not achieve complete healing or closure of the wound; it is sufficient for the method to promote any degree

of wound closure. In this respect, the method can be employed alone or as an adjunct to other methods for healing wounded tissue.

Where the inventive cells secrete an angiogenic hormone (e.g., vascular growth factor, vascular and endothelial cell growth factor, etc.), they (as well as populations containing them) can be employed to induce angiogenesis within tissues. Thus, the invention provides a method of promoting neovascularization within tissue using such cells. In accordance with this method, the cell is introduced the desired tissue under conditions sufficient for the cell to produce the angiogenic hormone. The presence of the hormone within the tissue promotes neovascularization within the tissue.

Because the inventive stem cells have a developmental phenotype, they can be employed in tissue engineering. In this regard, the invention provides a method of producing animal matter comprising maintaining the inventive cells under conditions sufficient for them to expand and differentiate to form the desired matter. The matter can include mature tissues, or even whole organs, including tissue types into which the inventive cells can differentiate (as set forth herein). Typically, such matter will comprise adipose, cartilage, heart, dermal connective tissue, blood tissue, muscle, kidney, bone, pleural, splanchnic tissues, vascular tissues, and the like. More typically, the matter will comprise combinations of these tissue types (i.e., more than one tissue type). For example, the matter can comprise all or a portion of an animal organ (e.g., a heart, a kidney) or a limb (e.g., a leg, a wing, an arm, a hand, a foot, etc.). Of course, in as much as the cells can divide and differentiate to produce such structures, they can also form anlagen of such structures. At early stages, such anlagen can be cryopreserved for future generation of the desired mature structure or organ.

To produce such structures, the inventive cells and populations are maintained under conditions suitable for them to expand and divide to form the desired structures. In some applications, this is accomplished by transferring them to an animal (i.e., *in vivo*) typically at a sight at which the new matter is desired. Thus, for example, the invention can facilitate the regeneration of tissues (e.g., bone, muscle, cartilage, tendons, adipose, etc.) within an animal where the cells are implanted into such tissues. In other embodiments, and particularly to create anlagen, the cells can be induced to differentiate and expand into tissues *in vitro*. In such applications, the cells are cultured on substrates that facilitate formation into three-dimensional structures conducive for tissue development. Thus, for example, the cells can be cultured or seeded onto a bio-compatible lattice, such as one that includes extracellular matrix material, synthetic polymers, cytokines, growth factors,

etc. Such a lattice can be molded into desired shapes for facilitating the development of tissue types. Also, at least at an early stage during such culturing, the medium and/or substrate is supplemented with factors (e.g., growth factors, cytokines, extracellular matrix material, etc.) that facilitate the development of appropriate 5 tissue types and structures. Indeed, in some embodiments, it is desired to co-culture the cells with mature cells of the respective tissue type, or precursors thereof, or to expose the cells to the respective conditioned medium, as discussed herein.

To facilitate the use of the inventive lipo-derived cells and populations for producing such animal matter and tissues, the invention provides a composition 10 including the inventive cells (and populations) and biologically compatible lattice. Typically, the lattice is formed from polymeric material, having fibers as a mesh or sponge, typically with spaces on the order of between about 100 µm and about 300 µm. Such a structure provides sufficient area on which the cells can grow and proliferate. Desirably, the lattice is biodegradable over time, so that it will be 15 absorbed into the animal matter as it develops. Suitable polymeric lattices, thus, can be formed from monomers such as glycolic acid, lactic acid, propyl fumarate, caprolactone, hyaluronan, hyaluronic acid, and the like. Other lattices can include proteins, polysaccharides, polyhydroxy acids, polyorthoesters, polyanhydrides, polyphosphazenes, or synthetic polymers (particularly biodegradable polymers). Of course, a suitable polymer for forming such lattice can include more than one 20 monomers (e.g., combinations of the indicated monomers). Also, the lattice can also include hormones, such as growth factors, cytokines, and morphogens (e.g., retinoic acid, arachidonic acid, etc.), desired extracellular matrix molecules (e.g., fibronectin, laminin, collagen, etc.), or other materials (e.g., DNA, viruses, other cell types, etc.) 25 as desired.

To form the composition, the cells are introduced into the lattice such that they permeate into the interstitial spaces therein. For example, the matrix can be soaked in a solution or suspension containing the cells, or they can be infused or injected into the matrix. A particularly preferred composition is a hydrogel formed 30 by crosslinking of a suspension including the polymer and also having the inventive cells dispersed therein. This method of formation permits the cells to be dispersed throughout the lattice, facilitating more even permeation of the lattice with the cells. Of course, the composition also can include mature cells of a desired phenotype or precursors thereof, particularly to potentiate the induction of the inventive stem cells 35 to differentiate appropriately within the lattice (e.g., as an effect of co-culturing such cells within the lattice).

The composition can be employed in any suitable manner to facilitate the growth and generation of the desired tissue types, structures, or anlagen. For example, the composition can be constructed using three-dimensional or stereotactic modeling techniques. Thus, for example, a layer or domain within the composition 5 can be populated by cells primed for osteogenic differentiation, and another layer or domain within the composition can be populated with cells primed for myogenic and/or chondrogenic development. Bringing such domains into juxtaposition with each other facilitates the molding and differentiation of complex structures including multiple tissue types (e.g., bone surrounded by muscle, such as found in a limb). To 10 direct the growth and differentiation of the desired structure, the composition can be cultured *ex vivo* in a bioreactor or incubator, as appropriate. In other embodiments, the structure is implanted within the host animal directly at the site in which it is desired to grow the tissue or structure. In still another embodiment, the composition can be engrafted on a host (typically an animal such as a pig, baboon, etc.), where it 15 will grow and mature until ready for use. Thereafter, the mature structure (or anlage) is excised from the host and implanted into the host, as appropriate.

Lattices suitable for inclusion into the composition can be derived from any suitable source (e.g., matrigel), and some commercial sources for suitable lattices exist (e.g., suitable of polyglycolic acid can be obtained from sources such as 20 Ethicon, N.J.). Another suitable lattice can be derived from the acellular portion of adipose tissue – i.e., adipose tissue extracellular matrix matter substantially devoid of cells, and the invention provides such a lipo-derived lattice. Typically, such lipo-derived lattice includes proteins such as proteoglycans, glycoproteins, hyaluronins, fibronectins, collagens (type I, type II, type III, type IV, type V, type VI, etc.), and 25 the like, which serve as excellent substrates for cell growth. Additionally, such lipo-derived lattices can include hormones, preferably cytokines and growth factors, for facilitating the growth of cells seeded into the matrix.

The lipo-derived matrix can be isolated form adipose tissue similarly as described above, except that it will be present in the acellular fraction. For example, 30 adipose tissue or derivatives thereof (e.g., a fraction of the cells following the centrifugation as discussed above) can be subjected to sonic or thermal energy and/or enzymatic processed to recover the matrix material. Also, desirably the cellular fraction of the adipose tissue is disrupted, for example by treating it with lipases, detergents, proteases, and/or by mechanical or sonic disruption (e.g., using a 35 homogenizer or sonicator). However isolated, the material is initially identified as a viscous material, but it can be subsequently treated, as desired, depending on the desired end use. For example, the raw matrix material can be treated (e.g., dialyzed

or treated with proteases or acids, etc.) to produce a desirable lattice material. Thus the lattice can be prepared in a hydrated form or it can be dried or lyophilized into a substantially anhydrous form or a powder. Thereafter, the powder can be rehydrated for use as a cell culture substrate, for example by suspending it in a suitable cell culture medium. In this regard, the lipo-derived lattice can be mixed with other suitable lattice materials, such as described above. Of course, the invention pertains to compositions including the lipo-derived lattice and cells or populations of cells, such as the inventive lipo-derived cells and other cells as well (particularly other types of stem cells).

As discussed above, the cells, populations, lattices, and compositions of the invention can be used in tissue engineering and regeneration. Thus, the invention pertains to an implantable structure (i.e., an implant) incorporating any of these inventive features. The exact nature of the implant will vary according to the use to which it is to be put. The implant can be or comprise, as described, mature tissue, or it can include immature tissue or the lattice. Thus, for example, one type of implant can be a bone implant, comprising a population of the inventive cells that are undergoing (or are primed for) osteogenic differentiation, optionally seeded within a lattice of a suitable size and dimension, as described above. Such an implant can be injected or engrafted within a host to encourage the generation or regeneration of mature bone tissue within the patient. Similar implants can be used to encourage the growth or regeneration of muscle, fat, cartilage, tendons, etc., within patients. Other types of implants are anlagen (such as described herein), e.g., limb buds, digit buds, developing kidneys, etc., that, once engrafted onto a patient, will mature into the appropriate structures.

The lipo-derived lattice can conveniently be employed as part of a cell culture kit. Accordingly, the invention provides a kit including the inventive lipo-derived lattice and one or more other components, such as hydrating agents (e.g., water, physiologically-compatible saline solutions, prepared cell culture media, serum or derivatives thereof, etc.), cell culture substrates (e.g., culture dishes, plates, vials, etc.), cell culture media (whether in liquid or powdered form), antibiotic compounds, hormones, and the like. While the kit can include any such ingredients, preferably it includes all ingredients necessary to support the culture and growth of desired cell types upon proper combination. Of course, if desired, the kit also can include cells (typically frozen), which can be seeded into the lattice as described herein.

While many aspects of the invention pertain to tissue growth and differentiation, the invention has other applications as well. For example, the lipo-derived lattice can be used as an experimental reagent, such as in developing

- improved lattices and substrates for tissue growth and differentiation. The lipo-derived lattice also can be employed cosmetically, for example, to hide wrinkles, scars, cutaneous depressions, etc., or for tissue augmentation. For such applications, preferably the lattice is stylized and packaged in unit dosage form. If desired, it can  
5 be admixed with carriers (e.g., solvents such as glycerine or alcohols), perfumes, antibiotics, colorants, and other ingredients commonly employed in cosmetic products. The substrate also can be employed autologously or as an allograft, and it can be used as, or included within, ointments or dressings for facilitating wound healing. The lipo-derived cells can also be used as experimental reagents. For example, they  
10 can be employed to help discover agents responsible for early events in differentiation. For example, the inventive cells can be exposed to a medium for inducing a particular line of differentiation and then assayed for differential expression of genes (e.g., by random-primed PCR or electrophoresis or protein or RNA, etc.).
- 15 As any of the steps for isolating the inventive stem cells or the lipo-derived lattice, the invention provides a kit for isolating such reagents from adipose tissues. The kit can include a means for isolating adipose tissue from a patient (e.g., a cannula, a needle, an aspirator, etc.), as well as a means for separating stromal cells (e.g., through methods described herein). The kit can be employed, for example, as a  
20 bedside source of stem cells that can then be re-introduced from the same individual as appropriate. Thus, the kit can facilitate the isolation of lipo-derived stem cells for implantation in a patient needing regrowth of a desired tissue type, even in the same procedure. In this respect, the kit can also include a medium for differentiating the cells, such as those set forth herein. As appropriate, the cells can be exposed to the  
25 medium to prime them for differentiation within the patient as needed. Of course, the kit can be used as a convenient source of stem cells for *in vitro* manipulation (e.g., cloning or differentiating as described herein). In another embodiment, the kit can be employed for isolating a lipo-derived lattice as described herein.

## EXAMPLES

While one of skill in the art is fully able to practice the instant invention upon reading the foregoing detailed description, the following examples will help elucidate some of its features. In particular, they demonstrate the isolation of a human lipo-derived stem cell substantially free of mature adipocytes, the isolation of a clonal population of such cells, the ability of such cells to differentiate *in vivo* and *in vitro*, and the capacity of such cells to support the growth of other types of stem cells. The examples also demonstrate the isolation of a lipo-derived lattice substantially free of cells that is capable of serving as a suitable substrate for cell culture. Of course, as these examples are presented for purely illustrative purposes, they should not be used to construe the scope of the invention in a limited manner, but rather should be seen as expanding upon the foregoing description of the invention as a whole.

The procedures employed in these examples, such as surgery, cell culture, enzymatic digestion, histology, and molecular analysis of proteins and polynucleotides, are familiar to those of ordinary skill in this art. As such, and in the interest of brevity, experimental details are not recited in detail.

### EXAMPLE 1

This example demonstrates the isolation of a human lipo-derived stem cell substantially free of mature adipocytes.

Raw liposuction aspirate was obtained from patients undergoing elective surgery. Prior to the liposuction procedures, the patients were given epinephrine to minimize contamination of the aspirate with blood. The aspirate was strained to separate associated adipose tissue pieces from associated liquid waste. Isolated tissue was rinsed thoroughly with neutral phosphate buffered saline and then enzymatically dissociated with 0.075 % w/v collagenase at 37 °C for about 20 minutes under intermittent agitation. Following the digestion, the collagenase was neutralized, and the slurry was centrifuged at about 260g for about 10 minutes, which produced a multi-layered supernatant and a cellular pellet. The supernatant was removed and retained for further use, and the pellet was resuspended in an erythrocyte-lysing solution and incubated without agitation at about 25 °C for about 10 minutes. Following incubation, the medium was neutralized, and the cells were again centrifuged at about 250g for about 10 minutes. Following the second centrifugation, the cells were suspended, and assessed for viability (using trypan blue exclusion) and cell number. Thereafter, they were plated at a density of about 1 x 10<sup>6</sup> cells/100 mm dish. They were cultured at 37 °C in DMEM + fetal bovine serum (about 10 %) in about 5 % CO<sub>2</sub>.

The majority of the cells were adherent, small, mononucleic, relatively agranular fibroblast-like cells containing no visible lipid droplets. The majority of the cells stained negatively with oil-red O and von Kossa. The cells were also assayed for expression of telomerase (using a commercially available TRAP assay kit), using 5 HeLa cells and HN-12 cells as positive controls. Human foreskin fibroblasts and HN-12 heated cell extracts were used as negative controls. Telomeric products were resolved onto a 12.5% polyacrylamide gel and the signals determined by phosphorimaging. Telomeric ladders representing telomerase activity were observed in the adipose-derived stem cells as well as the positive controls. No ladders were 10 observed in the negative controls.

Thus, these cells were not identifiable as myocytes, adipocytes, chondrocytes, osteocytes, or blood cells. These results demonstrate that the adipose-derived cells express telomerase activity similar to that previously reported for human stem cells.

Subpopulations of these cells were then exposed to the following media to 15 assess their developmental phenotype:

Adipogenesis	Osteogenesis	Myogenesis	Chondrogenesis
DMEM	DMEM	DMEM	DMEM
10 % FBS	10 % FBS	10 % FBS	1 % FBS
0.5 mM IBMX	5 % horse serum	5 % horse serum	6.25 µg/ml insulin
1 µM dexamethasone	0.1 µM dexamethasone	50 µM hydrocortisone	6.25 µg/ml transferrin
10 µM insulin	50 µM ascorbate-2-phosphate	1 % ABAM	10 ng/ml TGFβ1
200 µM indomethacin	10 mM β-glycerophosphate		50 nM ascorbate-2-phosphate
1 % ABAM	1% ABAM		1 % ABAM

A population was cultured at high density in the chondrogenic medium for several weeks. Histological analysis of the tissue culture and paraffin sections was 20 performed with H&E, alcian blue, toludene blue, and Goldner's trichrome staining at 2, 7, and 14 days. Immunohistochemistry was performed using antibodies against chondroitin-4-sulfate and keratin sulfate and type II collagen. Qualitative estimate of matrix staining was also performed. The results indicated that cartilaginous spheroid nodules with a distinct border of perichondral cells formed as early as 48 hours after 25 initial treatment. Untreated control cells exhibited no evidence of chondrogenic differentiation. These results confirm that the stem cells have chondrogenic developmental phenotype.

A population was cultured until near confluence and then exposed to the adipogenic medium for several weeks. The population was examined at two and four 30 weeks after plating by colorimetric assessment of relative opacity following oil red-O

staining. Adipogenesis was determined to be underway at two weeks and quite advanced at four weeks (relative opacity of 1 and 5.3, respectively). Bone marrow-derived stem cells were employed as a positive control, and these cells exhibited slightly less adipogenic potential (relative density of 0.7 and 2.8, respectively).

5 A population was cultured until near confluence and then exposed to the osteogenic medium for several weeks. The population was examined at two and four weeks after plating by colorimetric assessment of relative opacity following von Kossa staining. Osteogenesis was determined to be underway at two weeks and quite advanced at four weeks (relative opacity of 1.1 and 7.3, respectively). Bone marrow-derived stem cells were employed as a positive control, and these cells exhibited slightly less osteogenic potential (relative density of 0.2 and 6.6, respectively).

10 15 A population was cultured until near confluence and then exposed to the myogenic medium for several weeks. The population was examined at one, three, and six weeks after plating by assessment of multinucleated cells and expression of muscle-specific proteins (MyoD and myosin heavy chain). Human foreskin fibroblasts and skeletal myoblasts were used as controls. Cells expressing MyoD and myosin were found at all time points following exposure to the myogenic medium in the stem cell population, and the proportion of such cells increased at 3 and 6 weeks. Multinucleated cells were observed at 6 weeks. In contrast, the fibroblasts exhibited 20 none of these characteristics at any time points.

These results demonstrate the isolation of a human lipo-derived pluripotent stem cell substantially free of mature adipocytes.

#### EXAMPLE 2

25 This example demonstrates that lipo-derived stem cells do not differentiate in response to 5-azacytidine.

Lipo-derived stem cells obtained in accordance with Example 1 were cultured in the presence of 5-azacytidine. In contrast with bone marrow-derived stem cells, exposure to this agent did not induce myogenic differentiation (see Wakitani et al., 30 *supra*).

#### EXAMPLE 3

This example demonstrates the generation of a clonal population of human lipo-derived stem cells.

35 Cells isolated in accordance with the procedure set forth in Example 1 were plated at about 5,000 cells/100 mm dish and cultured for a few days as indicated in Example 1. After some rounds of cell division, some clones were picked with a

cloning ring and transferred to wells in a 48 well plate. These cells were cultured for several weeks, changing the medium twice weekly, until they were about 80 % to about 90 % confluent (at 37 °C in about 5% CO<sub>2</sub> in 2/3 F<sub>12</sub> medium + 20 % fetal bovine serum and 1/3 standard medium that was first conditioned by the cells isolated in Example 1, "cloning medium"). Thereafter, each culture was transferred to a 35 mm dish and grown, and then retransferred to a 100 mm dish and grown until close to confluent. Following this, one cell population was frozen, and the remaining populations were plated on 12 well plates, at 1000 cells/well.

The cells were cultured for more than 15 passages in cloning medium and monitored for differentiation as indicated in Example 1. The undifferentiated state of each clone remained true after successive rounds of differentiation.

Populations of the clones then were established and exposed to adipogenic, chondrogenic, myogenic, and osteogenic medium as discussed in Example 1. It was observed that at least one of the clones was able to differentiate into bone, fat, cartilage, and muscle when exposed to the respective media, and most of the clones were able to differentiate into at least three types of tissues. The capacity of the cells to develop into muscle and cartilage further demonstrates the pluripotentiality of these lipo-derived stem cells.

These results demonstrate that the lipo-derived stem cells can be maintained in an undifferentiated state for many passages without the requirement for specially pre-screened lots of serum. The results also demonstrate that the cells retain pluripotentiality following such extensive passaging, proving that the cells are indeed stem cells and not merely committed progenitor cells.

25

#### EXAMPLE 4

This example demonstrates the lipo-derived stem cells can support the culture of other types of stem cells.

Human lipo-derived stem cells were passaged onto 96 well plates at a density of about 30,000/well, cultured for one week and then irradiated. Human CD34<sup>+</sup> hematopoietic stem cells isolated from umbilical cord blood were then seeded into the wells. Co-cultures were maintained in MyeloCult H5100 media, and cell viability and proliferation were monitored subjectively by microscopic observation. After two weeks of co-culture, the hematopoietic stem cells were evaluated for CD34 expression by flow cytometry.

Over a two-week period of co-culture with stromal cells, the hematopoietic stem cells formed large colonies of rounded cells. Flow analysis revealed that 62% of the cells remained CD34<sup>+</sup>. Based on microscopic observations, human adipo-derived

stromal cells maintained the survival and supported the growth of human hematopoietic stem cells derived from umbilical cord blood.

These results demonstrate that stromal cells from human subcutaneous adipose tissue are able to support the *ex vivo* maintenance, growth and differentiation of other 5 stem cells.

#### EXAMPLE 5

This example demonstrates that the lipo-derived stem cells can differentiate *in vivo*.

10 Four groups (A-D) of 12 athymic mice each were implanted subcutaneously with hydroxyapatite/tricalcium phosphate cubes containing the following: Group A contained lipo-derived stem cells that had been pretreated with osteogenic medium as set forth in Example 1. Group B contained untreated lipo-derived stem cells. Group C contained osteogenic medium but no cells. Group D contained non-osteogenic 15 medium and no cells. Within each group, six mice were sacrificed at three weeks, and the remaining mice sacrificed at eight weeks following implantation. The cubes were extracted, fixed, decalcified, and sectioned. Each section was analyzed by staining with H&E, Mallory bone stain, and immunostaining for osteocalcin.

20 Distinct regions of osteoid-like tissue staining for osteocalcin and Mallory bone staining was observed in sections from groups A and B. Substantially more osteoid tissue was observed in groups A and B than in the other groups ( $p<0.05$  ANOVA), but no significant difference in osteogenesis was observed between groups A and B. Moreover, a qualitative increase in bone growth was noted in both groups A and B between 3 and 8 weeks. These results demonstrate that the lipo-derived stem cells can 25 differentiate *in vivo*.

#### EXAMPLE 6

This example demonstrates the isolation of a lipo-derived lattice substantially devoid of cells.

30 In one protocol withheld supernatant from Example 1 was subjected to enzymatic digestion for three days in 0.05 % trypsin EDTA/ 100 U/ml deoxyribonuclease to destroy the cells. Every day the debris was rinsed in saline and fresh enzyme was added. Thereafter the material was rinsed in saline and resuspended in 0.05 % collagenase and about 0.1% lipase to partially digest the proteins and fat 35 present. This incubation continued for two days.

In another protocol, the withheld supernatant from Example 1 was incubated in EDTA to eliminate any epithelial cells. The remaining cells were lysed using a buffer

containing 1 % NP40, 0.5 % sodium deoxycholate, 0.1 % SDS, 5 mM EDTA, 0.4M NaCl, 50 mM Tris-HCL (pH 8) and protease inhibitors, and 10 µg/ml each of leupeptin, chymostatin, antipain, and pepstatin A. Finally, the tissue was extensively washed in PBS without divalent cations.

5 After both preparatory protocols, remaining substance was washed and identified as a gelatinous mass. Microscopic analysis of this material revealed that it contained no cells, and it was composed of high amounts of collagen (likely type IV) and a wide variety of growth factors. Preparations of this material have supported the growth of cells, demonstrating it to be an excellent substrate for tissue culture.

10

### INCORPORATION BY REFERENCE

All sources (e.g., inventor's certificates, patent applications, patents, printed publications, repository accessions or records, utility models, world-wide web pages, and the like) referred to or cited anywhere in this document or in any drawing, 15 Sequence Listing, or Statement filed concurrently herewith are hereby incorporated into and made part of this specification by such reference thereto.

### GUIDE TO INTERPRETATION

The foregoing is an integrated description of the invention as a whole, not 20 merely of any particular element of facet thereof. The description describes "preferred embodiments" of this invention, including the best mode known to the inventors for carrying it out. Of course, upon reading the foregoing description, variations of those preferred embodiments will become obvious to those of ordinary skill in the art. The inventors expect skilled artisans to employ such variations as appropriate, and the 25 inventors intend for the invention to be practiced otherwise than as specifically described herein. Accordingly, this invention includes all modifications and equivalents of the subject matter recited in the claims appended hereto as permitted by applicable law.

As used in the foregoing description and in the following claims, singular 30 indicators (e.g., "a" or "one") include the plural, unless otherwise indicated. Recitation of a range of discontinuous values is intended to serve as a shorthand method of referring individually to each separate value falling within the range, and each separate value is incorporated into the specification as if it were individually listed. Additionally, the following terms are defined as follows:

35 An **anlage** is a primordial structure that has a capacity to develop into a specific mature structure.

A **developmental phenotype** is the potential of a cell to acquire a particular physical phenotype through the process of differentiation.

A **hormone** is any substance that is secreted by a cell and that causes a phenotypic change in the same or another cell upon contact.

5 A **stem cell** is a pluripotent cell that has the capacity to differentiate in accordance with at least two discrete developmental pathways.

As regards the claims in particular, the term "consisting essentially of" indicates that unlisted ingredients or steps that do not materially affect the basic and novel properties of the invention can be employed in addition to the specifically recited 10 ingredients or steps. In contrast, terms such as "comprising," "having," and "including" indicate that any ingredients or steps can be present in addition to those recited. The term "consisting of" indicates that only the recited ingredients or steps are present, but does not foreclose the possibility that equivalents of the ingredients or steps can substitute for those specifically recited.

## WHAT IS CLAIMED IS:

1. A mammalian lipo-derived stem cell substantially free of mature adipocytes.
- 5 2. The cell of claim 1, which can be cultured in DMEM + about 10% fetal bovine serum for at least 15 passages without differentiating.
3. The cell of claim 2, which has two or more developmental phenotypes selected from the group of developmental phenotypes consisting of adipogenic, chondrogenic, cardiogenic, dermatogenic, hematopoetic, hemangiogenic, myogenic, nephrogenic, neurogenic, neuralgiogenic, urogenitogenic, osteogenic, pericardiogenic, 10 peritoneogenic, pleurogenic, splanchnogenic, and stromal developmental phenotypes.
4. The cell of any of claims 1-3, which is human.
5. The cell of any of claims 1-4, which is genetically modified.
6. The cell of any of claims 1-5, which has a cell-surface bound intercellular signaling moiety.
- 15 7. The cell of any of claims 1-5, which secretes a hormone.
8. The cell of claim 7, wherein the hormone is selected from the group of hormones consisting of cytokines and growth factors.
9. A defined cell population comprising a cell of any of claims 1-8.
10. The defined cell population of claim 9, which is heterogeneous.
- 20 11. The defined cell population of claim 9 or 10, further compressing a stem cell selected from the group of cells consisting of neural stem cells (NSC), hematopoietic stem cells (HPC), embryonic stem cells (ESC) and mixtures thereof.
12. The defined cell population of claim 9, which consists essentially of cells according to any of claims 1-8.
- 25 13. The defined cell population of claim 9 or 12, which is substantially homogenous.
14. The defined cell population of claim 13, which is clonal.
15. A defined cell population consisting essentially of mesodermal stem cells (MHC), connective tissue stem cell (CTSC), or mixtures thereof, wherein the 30 population is clonal.
16. The population of claim 15, wherein the stem cells have two or more developmental phenotypes selected from the group of developmental phenotypes consisting of adipogenic, chondrogenic, cardiogenic, dermatogenic, hematopoetic, hemangiogenic, myogenic, nephrogenic, neurogenic, neuralgiogenic, urogenitogenic, osteogenic, pericardiogenic, peritoneogenic, pleurogenic, splanchnogenic, and stromal developmental phenotypes.

17. A lipo-derived lattice comprising adipose tissue extracellular matrix matter substantially devoid of cells.
18. The lipo-derived lattice of claim 17, comprising a human protein, proteoglycan, glycoprotein, hyaluronin, or fibronectin molecule.
- 5 19. The lipo-derived lattice of claim 17 or 18, comprising a collagen selected from the group of collagens consisting of type I, type II, type III, type IV, type V, type VI collagen.
20. The lipo-derived lattice of any of claims 17-19, comprising a hormone.
- 10 21. The lipo-derived lattice of claim 20, wherein the hormone is selected from the group of hormones consisting of cytokines and growth factors.
22. The lipo-derived lattice of any of claims 17-21, which is substantially anhydrous.
23. The lipo-derived lattice of any of claims 17-22, which is lyophilized.
24. The lipo-derived lattice of any of claims 17-21, which is hydrated.
- 15 25. A kit comprising the lipo-derived lattice of any of claims 17-24 and one or more components selected from the group of components consisting of hydrating agents, cell culture substrates, cell culture media, antibiotic compounds, and hormones.
26. A composition comprising a cell and the lipo-derived lattice of any of claims 17-24.
- 20 27. A composition comprising the cell of any of claims 1-8 and a biologically compatible lattice.
28. A composition comprising the population of any of claims 9-16 and a biologically compatible lattice.
29. The composition of claim 27 or 28, wherein the lattice comprises
- 25 polymeric material.
- 30 31. The composition of claim 29 or 30, wherein the polymeric material comprises monomers selected from the group of monomers consisting of glycolic acid, lactic acid, propyl fumarate, caprolactone, hyaluronan, hyaluronic acid and combinations thereof.
32. The composition of any of claims 29-31, wherein the polymeric material comprises proteins, polysaccharides, polyhydroxy acids, polyorthoesters, polyanhydrides, polyphosphazenes, synthetic polymers or combinations thereof.
- 35 33. The composition of any of claims 29-32, wherein the polymeric material is a hydrogel formed by crosslinking of a polymer suspension having the cells dispersed therein.

34. The composition of any of claims 29-33, wherein the lattice further comprises a hormone selected from the group of hormones consisting of cytokines and growth factors.
35. The composition of any of claims 29-34, wherein the lattice is the lipo-derived lattice of any of claims 17-24.
36. A method of obtaining a genetically-modified cell comprising exposing the cell of any of claims 1-8 to a gene transfer vector comprising a nucleic acid including a transgene, whereby the nucleic acid is introduced into the cell under conditions whereby the transgene is expressed within the cell.
- 10 37. The method of claim 36, wherein the transgene encodes a protein conferring resistance to a toxin.
38. A method of delivering a transgene to an animal comprising (a) obtaining a genetically-modified cell in accordance with claim 36 or 37 and (b) introducing the cell into the animal, such that the transgene is expressed *in vivo*.
- 15 39. A method of differentiating the cell of any of claims 1-8 comprising culturing the cell in a morphogenic medium under conditions sufficient for the cell to differentiate.
40. The method of claim 39, wherein the medium is an adipogenic, chondrogenic, cardiogenic, dermatogenic, embryonic, fetal, hematopoetic, 20 hemangiogenic, myogenic, nephrogenic, neurogenic, neuralgiogenic, urogenitogenic, osteogenic, pericardiogenic, peritoneogenic, pleurogenic, and splanchnogenic, or stromogenic media.
41. The method of claim 39 or 40, wherein the morphogenic medium is an adipogenic medium and the cell is monitored to identify adipogenic differentiation.
- 25 42. The method of claim 39 or 40, wherein the morphogenic medium is a chondrogenic medium and the cell is monitored to identify chondrogenic differentiation.
43. The method of claim 39 or 40, wherein the morphogenic medium is an embryonic or fetal medium and the cell is monitored to identify embryonic or fetal phenotype.
- 30 44. The method of claim 39 or 40, wherein the morphogenic medium is a myogenic medium and the cell is monitored to identify myogenic differentiation.
45. The method of claim 39 or 40, wherein the morphogenic medium is an osteogenic medium and the cell is monitored to identify osteogenic differentiation.
- 35 46. The method of claim 39 or 40, wherein the morphogenic medium is a stromal medium and the cell is monitored to identify stromal or hematopoetic differentiation.

47. The method of any of claims 39-46, wherein the cell differentiates *in vitro*.
48. The method of any of claims 39-46, wherein the cell differentiates *in vivo*.
49. A method of producing hormones, comprising (a) culturing the cell of claim 7 or 8 within a medium under conditions sufficient for the cell to secrete the hormone into the medium and (b) isolating the hormone from the medium.
- 5 50. A method of promoting the closure of a wound within a patient comprising introducing the cell of claim 7 or 8 into the vicinity of a wound under conditions sufficient for the cell to produce the hormone, whereby the presence of the hormone promotes closure of the wound.
- 10 51. A method of promoting neovascularization within tissue, comprising introducing the cell of claim 7 or 8 into the tissue under conditions sufficient for the cell to produce the hormone, whereby the presence of the hormone promotes neovascularization within the tissue.
52. The method of claim 51, wherein the tissue is within an animal.
- 15 53. The method of claim 51 or 52, wherein the tissue is a graft.
54. The method of any of claims 49-53, wherein the hormone is a growth factor selected from the group of growth factor consisting of human growth factor, nerve growth factor, vascular and endothelial cell growth factor, and members of the TGF $\beta$  superfamily.
- 20 55. A method of conditioning culture medium comprising exposing a cell culture medium to the cell of any of claims 1-7 under conditions sufficient for the cell to condition the medium.
56. The method of claim 55, wherein the medium is separated from the cell after it has been conditioned.
- 25 57. The method of any of claims 36-56, wherein the cell is within a population of any of claims 9-16.
58. A conditioned culture medium produced in accordance with the method of claim 55 or 56.
- 30 59. The conditioned culture medium of claim 58, which is substantially free of a cell of any of claims 1-7.
60. A method of culturing a stem cell comprising maintaining a stem cell in the conditioned medium of claim 58 or 59 under conditions for the stem cell to remain viable.
- 35 61. The method of claim 60, which further comprises permitting successive rounds of mitotic division of the stem cell to form an expanded population of stem cells.

62. The method of claim 60 or 61, wherein the medium is substantially free of the lipo-derived cells of any of claims 1-7.
63. The method of any of claims 60-62, wherein the medium contains lipo-derived cells of any of claims 1-7.
- 5 64. The method of claim 63, wherein a stem cell and a lipo-derived cell are in contact.
65. The method of any of claims 60-64, wherein a stem cell is a hemopoietic stem cell.
- 10 66. A method of producing animal matter comprising maintaining the composition of any of claims 18-26 under conditions sufficient for the cells within the composition to expand and differentiate to form the matter.
- 15 67. The method of claim 66, wherein the matter comprises a tissue type selected from the group of tissues consisting of adipose, cartilage, heart, dermal connective tissue, blood tissue, muscle, kidney, bone, pleural, and splanchnic tissues, and combinations thereof.
68. The method of claim 66 or 67, wherein the matter comprises more than one tissue type.
69. The method of any of claims 66-68, wherein the matter comprises at least a portion of an animal organ.
- 20 70. The method of claim 66-68, wherein the matter comprises at least a portion of an animal limb.
71. The method of any of claims 66-70, wherein the composition is maintained *in vitro*.
- 25 72. The method of any of claims 66-70, wherein the composition is introduced into an animal and maintained *in vivo*.
73. An implant comprising the cell of any of claims 1-7.
74. An implant comprising the population of any of 8-13.
75. An implant comprising the lipo-derived lattice of any of claims 14-16.
76. An implant comprising the composition of any of claims 17-26.
- 30 77. A kit for isolating stem cells from adipose tissues comprising a means for isolating adipose tissue from a patient and a means for separating stem cells from the remainder of the adipose tissue.
78. The kit of claim 77, further comprising a medium for differentiating the stem cells.

79. The kit of claim 78, wherein the medium is selected from the group of media consisting of adipogenic, chondrogenic, cardiogenic, dermatogenic, embryonic, fetal, hematopoetic, hemangiogenic, myogenic, nephrogenic, neurogenic, neuralgiogenic, urogenitogenic, osteogenic, pericardiogenic, peritoneogenic, 5 pleurogenic, and splanchnogenic, and stromogenic media.

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US00/06232

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) :Please See Extra Sheet.

US CL :424.93.1; 435/4, 320.1, 325, 366, 373, 455; 514/44

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 424.93.1; 435/4, 320.1, 325, 366, 373, 455; 514/44

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  
NoneElectronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
Dialog and WEST

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,728,739 A (AILHAUD et al.) 17 March 1998, see especially the abstract, Background and summary.	1, 6-9
-		-
Y		1-16, 39-48, 73-75 & 77-79
X	US 5,827,897 A (AILHAUD et al.) 27 October 1998, see especially the abstract, background and summary.	1 & 6-9
-		-
Y		1-16, 39-48, 73-75 & 77-79
X	US 5,827,740 A (PITTENGER) 27 October 1998, see especially the abstract, and columns 2-3	1 & 6-9
-		-
Y		1-16, 39-48, 73-75 & 77-79

 Further documents are listed in the continuation of Box C. See patent family annex.

Special categories of cited documents:	*T*	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"B" earlier document published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"A"	document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means		
"P" document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search

18 JUNE 2000

Date of mailing of the international search report

28 JUL 2000

Name and mailing address of the ISA/US  
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WILLIAM SANDALS

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## INTERNATIONAL SEARCH REPORT

International application No. PCT/US00/06232
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## C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,486,359 A (CAPLAN et al.) 23 January 1996, see especially the abstract, columns 1-6 and 24-26.	1-16, 39-48, 73-75 & 77-79
X	WO 98/04682 A1 (OSIRIS THERAPEUTICS, INC.) 05 February 1998, see especially the abstract, pages 1-8 & the claims.	1-4, 6-16, 39-48, 73-75 & 77-79
Y		1-16, 39-48, 73-75 & 77-79
Y	CONSIDINE et al. Paracrine stimulation of preadipocyte-enriched cell cultures by mature adipocytes. American Journal of Physiology. May 1996, Vol. 270 (Endocrinol. METAB. 33), E895-E899, see especially the abstract and the figures.	1-16, 39-48, 73-75 & 77-79
X	SORISKY, A. From preadipocyte to adipocyte: Differentiation-directed signals of insulin from the cell surface to the nucleus. Critical Reviews in Clinical Laboratory Sciences. February 1999, Vol. 36, pages 1-34, see especially the abstract and pages 7-11.	1-3, 6-10, 12-16
Y		1-16, 39-48, 73-75 & 77-79
Y	HUI-LING et al. Increased expression of G i alpha 2 in mouse embryo stem cells promotes terminal differentiation to adipocytes. American Journal of Physiology (Cell Physiology, 34). June 1993, Vol. 265, pages C1729-C1735, see especially the abstract & discussion.	1-16, 39-48, 73-75 & 77-79
Y	YOUNG et al. Mesenchymal stem cells reside within the connective tissues of many organs. Developmental Dynamics. February 1995, Vol. 202, No. 2, pages 137-144, see especially the abstract, the figures and the tables.	1-16, 39-48, 73-75 & 77-79
Y	DANI et al. Differentiation of embryonic stem cells into adipocytes in vitro. Journal of Cell Science. June 1997, Vol. 110, pages 1279-1285, see especially the abstract, materials and methods and the figures.	1-16, 39-48, 73-75 & 77-79
Y	ESLAMI et al. Extracellular matrix components secreted by microvascular endothelial cells stimulate preadipocyte differentiation in vitro. Metabolism. July 1994, Vol. 43, No. 7, pages 906-912, see especially the abstract, the introduction and materials and methods.	1-16, 39-48, 73-75 & 77-79
Y	HAUNER et al. Endothelin-1 inhibits the adipose differentiation of cultured human adipocyte precursor cells. Metabolism. February 1994, Vol. 43, No. 2, pages 227-232, see especially the abstract, introduction and figures.	1-16, 39-48, 73-75, & 77-79

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US00/06232

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	MARKO et al. Isolation of a preadipocyte cell line from rat bone marrow and differentiation to adipocytes. <i>Endocrinology</i> . October 1995, Vol. 136, number 10, pages 4582-4588, see especially the abstract, introduction and figures.	1-16, 39-48, 73-75 & 77-79
Y	ENTENMANN et al. Relationship between replication and differentiation in cultured human adipocyte precursor cells. <i>American Journal of Physiology (Cell Physiology)</i> , 39, APRIL 1996, Vol. 270, pages C1011-C1016, see especially the abstract, introduction and the figures.	1-16, 39-48, 73-75 & 77-79
Y	WABITSCH et al. Biological effects of human growth hormone in rat adipocyte precursor cells and newly differentiated adipocytes in primary culture. <i>METABOLISM</i> , JANUARY 1996, Vol. 45, number 1, pages 34-42, see especially the abstract, introduction and figures.	1-16, 39-48, 73-75 & 77-79
Y	VASSAUX et al. Proliferation and differentiation of rat adipose precursor cells in chemically defined medium: Differential action of anti-adipogenic agents. <i>Journal of Cellular Physiology</i> . November 1994, Vol. 161, pages 249-256, see especially the abstract, introduction and figures.	1-16, 39-48, 73-75 & 77-79
Y	HAUSMAN et al. The influence of extracellular matrix substrata on preadipocyte development in serum-free cultures of stromal-vascular cells. <i>Journal of Animal Science</i> . September 1996, Vol. 74, pages 2117-2128, see especially the abstract, introduction and discussion.	1-16, 39-48, 73-75 & 77-79
Y	SHILLABEER et al. A novel method for studying preadipocyte differentiation in vitro. <i>International Journal of Obesity</i> . March 1996, Vol. 20, Suppl. 3, pages S77-S83, see especially the abstract, introduction and figures.	1-16, 39-48, 73-75 & 77-79

**INTERNATIONAL SEARCH REPORT**

International application No.

PCT/US00/06232

**Box I- Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)**

This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2.  Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
  
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

Please See Extra Sheet

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: I-16, 39-48, 73-75 & 77-79

**Remark on Protest**

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US00/06232A. CLASSIFICATION OF SUBJECT MATTER:  
IPC (7):

C12Q 1/00; C12N 5/00, 5/08, 15/63, 15/85; A01N 63/00; A61K 48/00.

BOX II. OBSERVATIONS WHERE UNITY OF INVENTION WAS LACKING  
This ISA found multiple inventions as follows:

This application contains the following inventions or groups of inventions which are not so linked as to form a single inventive concept under PCT Rule 13.1. In order for all inventions to be searched, the appropriate additional search fees must be paid.

Group I, claims 1-16, 39-48, 73-75 and 77-79, drawn to a lipoderived stem cell and a method of differentiating.  
Group II, claims 17-25, drawn to a lipoderived lattice comprising extracellular matrix matter which contains no cells, and a kit drawn thereto.

Group III, claims 26-28, drawn to a composition comprising a cell and a lipoderived lattice.  
Group IV, claims 29-35, drawn to a cell and a lipoderived lattice, where the lattice comprises polymeric material.

Group V, claims 36-37, drawn to a method of transfecting a lipoderived stem cell.  
Group VI, claim 38, drawn to a method of gene therapy.

Group VII, claim 49, drawn to a method of producing hormones.

Group VIII, claim 50, drawn to a method of promoting wound closure by introducing a lipoderived stem cell which secretes a hormone.

Group IX, claims 51-54, drawn to a method of promoting neovascularization within a tissue by introducing a lipoderived stem which secretes a hormone.

Group X, claims 55-59, drawn to a method of conditioning culture medium with a lipoderived stem cell which secretes a hormone.

Group XI, claims 60-65, drawn to a method of culturing a stem cell in conditioned medium.

Group XII, claims 66-71 & 76 drawn to a method of growing and differentiating cells in a lipoderived lattice.

Group XIII, claim 72, drawn to a method of introducing into an animal a composition comprising a lipoderived lattice and a cell.

The inventions listed as Groups I and II do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The stem cell of Group I is physically, biologically, biochemically and patentably distinct from the lattice of Group II.

The inventions listed as Groups I and III do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The stem cell of Group I is physically, biologically, biochemically and patentably distinct from the cell which is grown and differentiated in a lattice.

The inventions listed as Groups I and IV do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The stem cell of Group I is physically, biologically, biochemically and patentably distinct from the lattice comprised of polymeric material of Group IV.

The inventions listed as Groups I and V do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The stem cell of Group I is physically, biologically, biochemically and patentably distinct from the method of transfecting a stem cell of Group V.

The inventions listed as Groups I and VI do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The stem cell of Group I is physically, biologically, biochemically and patentably distinct from the method of gene therapy of Group VI.

The inventions listed as Groups I and VII do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The stem cell of Group I is physically, biologically, biochemically and patentably distinct from the method of producing hormones of Group VII.

The inventions listed as Groups I and VIII do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The

INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US00/06232

stem cell of Group I is physically, biologically, biochemically and patentably distinct from the method of promoting wound closure of Group VIII.

The inventions listed as Groups I and IX do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The stem cell of Group I is physically, biologically, biochemically and patentably distinct from the method of neovascularization of Group IX.

The inventions listed as Groups I and X do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The stem cell of Group I is physically, biologically, biochemically and patentably distinct from the composition and method of conditioning culture medium of Group X.

The inventions listed as Groups I and XI do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The stem cell of Group I is physically, biologically, biochemically and patentably distinct from the method of culturing stem cells of Group XI.

The inventions listed as Groups I and XII do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The stem cell of Group I is physically, biologically, biochemically and patentably distinct from the composition and method of producing animal matter of Group XII.

The inventions listed as Groups I and XIII do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The stem cell of Group I is physically, biologically, biochemically and patentably distinct from the method of cell implant of Group XIII.

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty and of the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the letter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

The claims only.

The description and the drawings may only be amended during international preliminary examination under Chapter II.

When? Within 2 months from the date of transmission of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been filed, see below.

How? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or cancellation, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

## NOTES TO FORM PCT/ISA/220 (continued)

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

The statement should be brief, it should not exceed 500 words if in English or if translated into English.

It should not be confounded with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It should not contain any dispensing comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### In what language?

The amendments must be made in the language in which the international application is published. The letter and any statement accompanying the amendments must be in the same language as the international application if that language is English or French; otherwise, it must be in English or French, at the choice of the applicant.

### Consequence if a demand for international preliminary examination has already been filed?

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

### Consequence with regard to translation of the international application for entry into the national phase?

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Office, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: HEFNER, M. DANIEL  
LEYDIG, VOIT & MAYER, LTD.  
TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STETSON  
CHICAGO, ILLINOIS 60601-6780

*Dane*  
**PCT**

WRITTEN OPINION

(PCT Rule 66)

Date of Mailing  
(day/month/year)

*19 APR 2001*

Applicant's or agent's file reference 204267		REPLY DUE within ONE months from the above date of mailing
International application No. PCT/US00/06232	International filing date (day/month/year) 10 MARCH 2000	Priority date (day/month/year) 10 MARCH 1999
International Patent Classification (IPC) or both national classification and IPC Please See Supplemental Sheet.		
Applicant UNIVERSITY OF PITTSBURGH OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I  Basis of the opinion
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

*LEYDIG, VOIT & MAYER  
RECEIVED*

*APR 23 2001*

*PAT/TM Due Date 5-19-01*

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 10 JULY 2001

Name and mailing address of the IPEA/US  
Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized office

*Dorethea Laubach for*  
WILLIAM SANDALS

**DNG**

Telephone No. (703) 308-0196

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: HEFNER, M. DANIEL  
LEYDIG, VOIT & MAYER, LTD.  
TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STETSON  
CHICAGO, ILLINOIS 60601-6780

**PCT**

WRITTEN OPINION

(PCT Rule 66)

		Date of Mailing (day/month/year) <i>19 APR 2001</i>
Applicant's or agent's file reference 204267		REPLY DUE within ONE months from the above date of mailing
International application No. PCT/US00/06232	International filing date (day/month/year) 10 MARCH 2000	Priority date (day/month/year) 10 MARCH 1999.
International Patent Classification (IPC) or both national classification and IPC Please See Supplemental Sheet.		
Applicant UNIVERSITY OF PITTSBURGH OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:

- I  Basis of the opinion
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability:  
citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.  
For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 10 JULY 2001

Name and mailing address of the IPEA/US

Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

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Authorized officer  
*Ruthie Lawrence*  
WILLIAM SANDALS

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## WRITTEN OPINION

International application No.

PCT/US00/06232

## I. Basis of the opinion

## 1. With regard to the elements of the international application:\*

 the international application as originally filed the description:

pages 1-23

pages NONE

pages NONE

, as originally filed

, filed with the demand

 the claims:

pages 24-29

pages NONE

pages NONE

pages NONE

, as originally filed

, filed with the demand

 the drawings:

pages NONE

pages NONE

pages NONE

, as originally filed

, filed with the demand

 the sequence listing part of the description:

pages NONE

pages NONE

pages NONE

, as originally filed

, filed with the demand

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is: the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

 contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4.  The amendments have resulted in the cancellation of: the description, pages None the claims, Nos. None the drawings; sheets/fig. None5.  This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

## WRITTEN OPINION

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**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been and will not be examined in respect of:

the entire international application.

claims Nos. 17-38, 49-72, 76

because:

the said international application, or the said claim Nos. relate to the following subject matter which does not require international preliminary examination (*specify*).

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 5-14, 20-76 are so unclear that no meaningful opinion could be formed (*specify*).

These claims have not been drafted to meet the requirements set forth under PCT RULE 6.4(a). The claims are multiply dependent and as such are unclear such that no meaningful opinion can be formed.

the claims, or said claims Nos.   are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for said claims Nos. 17-38, 49-72, 76.

2. A written opinion cannot be drawn due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

the written form has not been furnished or does not comply with the standard.

the computer readable form has not been furnished or does not comply with the standard.

## WRITTEN OPINION

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## V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. statement

## Novelty (N)

Claims	<u>None</u>	YES
Claims	<u>1-4, 15-16, 77-79</u>	NO

## Inventive Step (IS)

Claims	<u>None</u>	YES
Claims	<u>1-4, 15-16, 77-79</u>	NO

## Industrial Applicability (IA)

Claims	<u>1-4, 15-16, 77-79</u>	YES
Claims	<u>None</u>	NO

## 2. citations and explanations

Claims 1-4, 15-16, 77-79 lack novelty under PCT Article 33(2) as being anticipated by each of US 5,486,359 or WO 98/04682.

Each of US 5,486,359 taught or WO 98/04682 taught a human lipo-derived stem cell which was homogeneous and substantially free of mature adipocytes where the stem cells were cultured for at least 15 passages and had two or more developmental phenotypes. The stem cells may be genetically modified; may secrete hormones, may have cell surface receptors. The stem cells may be induced to differentiate into mature cells (ie. adipocytes, myocytes, neural cells, etc.) by specific culture media or in vivo conditions. The cells may be used for implantation. Kits for isolation, and culturing may be provided.

Claims 1, 2 15 and 16 lack novelty under PCT Article 33(2) as being anticipated by each of Dodson et al. or Marko et al. or Dani et al. or Young et al. or Hui-ling Su et al.

Each of Dodson et al. or Marko et al. or Dani et al. or Young et al. or Hui-ling Su et al. taught a mammalian lipo-derived stem cell which was homogeneous and substantially free of mature adipocytes where the stem cells were cultured for at least 15 passages.

Claims 1, 15 lack novelty under PCT Article 33(2) as being anticipated by each of US 5,728, 739 or US 5827,897 or US 5,827,740.

Each of US 5,728, 739 or US 5827,897 or US 5,827,740 taught a mammalian lipo-derived stem cell which was homogeneous and substantially free of mature adipocytes which may have cell surface receptors. The cells may be used for implantation.

Claims 1-3, 15, 16 lack novelty under PCT Article 33(2) as being anticipated by Sorisky et al.

(Continued on Supplemental Sheet.)

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

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**TIME LIMIT:**

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

**CLASSIFICATION:**

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(7): C12Q 1/00; C12N 5/00, 5/08, 15/63, 15/85; A01N 63/00; A61K 48/00 and US Cl.: 424.93.1; 435/4, 320.1, 325, 366, 373, 455; 514/44

**I. BASIS OF OPINION:**

5. (Some) amendments are considered to go beyond the disclosure as filed:  
None

**V. 2. REASoNED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):**

Sorisky et al. taught a mammalian lipo-derived stem cell which was homogeneous and substantially free of mature adipocytes where the stem cells were cultured for at least 15 passages and had two or more developmental phenotypes. The stem cells may secrete hormones, may have cell surface receptors. The stem cells may be induced to differentiate into mature cells (ie. adipocytes, myocytes, neural cells, etc.) by specific culture media or in vivo conditions.

Claims 1-4, 15-16, 77-79 lack an inventive step under PCT Article 33(3) as being obvious over each of US 5,486,359 or WO 98/04682 or Dodson et al. or Marko et al. or Dani et al. or Young et al. or Hui-ling Su et al. or US 5,728, 739 or US 5827,897 or US 5,827,740 or Sorisky et al. in view of each of Hausman et al. or Shillabeer et al. or Vassaux et al. or Hauner et al. or Considine et al.

Each of US 5,486,359 or WO 98/04682 or Dodson et al. or Marko et al. or Dani et al. or Young et al. or Hui-ling Su et al. or US 5,728, 739 or US 5827,897 or US 5,827,740 or Sorisky et al. taught the claimed invention as in the lack of novelty rejections above. Hausman et al. taught an extracellular matrix which enhanced stem cells to mature into adipocytes. Shillabeer et al. taught the use of conditioned medium to induce stem cells into adipocytes. Vassaux et al. taught hormone and cytokine induction of stem cells to produce adipocytes. Hauner et al. taught the use of a hormone to induce stem cells to mature into adipocytes. Considine et al. taught that genetically modified stem cell may be induced by exposure to hormone or cytokine to produce mature adipocytes.

It would have been obvious to one of ordinary skill in the art at the time of filing of the instant invention to combine the teachings of US 5,486,359 or WO 98/04682 or Dodson et al. or Marko et al. or Dani et al. or Young et al. or Hui-ling Su et al. or US 5,728, 739 or US 5827,897 or US 5,827,740 or Sorisky et al. with each of Hausman et al. or Shillabeer et al. or Vassaux et al. or Hauner et al. or Considine et al. because they were all studying the effects of growth and maturation factors on the induction of stem cells to mature into a defined mature phenotype such as adipocytes.

One of ordinary skill in the art would have been motivated at the time of filing of the instant invention to combine the teachings of US 5,486,359 or WO 98/04682 or Dodson et al. or Marko et al. or Dani et al. or Young et al. or Hui-ling Su et al. or US 5,728, 739 or US 5827,897 or US 5,827,740 or Sorisky et al. with each of Hausman et al. or Shillabeer et al. or Vassaux et al. or Hauner et al. or Considine et al. because US 5,486,359 states in the abstract "[i]solated human mesenchymal stem cells which can differentiate into more than one tissue type (e.g. bone, cartilage, muscle or marrow stroma), a method for isolating, purifying, and culturally expanding human mesenchymal stem cells (e.e. 'mesenchymal stem cells' or 'hMSCs') and characterization of and uses, particulary research reagent, diagnostic and therapeutic uses for such cells. The cells can be culture expanded without differentiating". This is followed at column 1, lines 22-30, "[m]esenchymal stem cells are the formative pluripotential blast cells found inter alia in bone marrow, blood, dermis and periosteum that are capable of differentiating into any of the specific types of mesenchymal or connective tissues (i.e. the tissues of the body that support the specialized elements; particularly adipose, osseous, cartilaginous, elastic, and fibrous connective tissues) depending upon various influences from bioactive factors, such as cytokines". Further, a person of ordinary skill in the art would have had a reasonable expectation of success in producing the instant claimed invention given the teachings of US 5,486,359 or WO 98/04682 or Dodson et al. or Marko et al. or Dani et al. or Young et al. or Hui-ling Su et al. or US 5,728, 739 or US 5827,897 or US 5,827,740 or Sorisky et al. with each of Hausman et al. or Shillabeer et al. or Vassaux et al. or Hauner et al.

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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

or Considine et al.

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----- NEW CITATIONS -----

DODSON et al. The Development and Utility of a Defined Muscle and Fat co-culture System. Tissue and Cell. September 1997, Vol. 29, No. 5, pages 517-524, see especially pages 517-519.